



# PUBLIC NOTICE

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**DA 21-683**  
**Released: June 11, 2021**

## **MEDIA BUREAU REMINDS CERTAIN PERMITEES OF NEW DIGITAL LOW POWER TELEVISION AND TELEVISION TRANSLATOR STATIONS OF UPCOMING JULY 13, 2021 CONSTRUCTION PERMIT EXPIRATION DEADLINE**

The Media Bureau (Bureau), by this Public Notice, reminds certain permittees of new digital low power television and television translator (LPTV/translator) stations that their construction deadline – **July 13, 2021** – is fast approaching. This Public Notice contains information concerning the procedures these permittees must follow to ensure successful completion of their construction.

### **Construction Permits For New Digital LPTV/Translator Stations Expiring July 13, 2021**

We remind permittees for new digital LPTV/translator stations with **July 13, 2021** construction permit expiration dates<sup>1</sup> that, no later than **11:59 p.m. local time on July 13, 2021**, they must complete construction of their facilities, begin operating, and within 10 days file a license to cover application.<sup>2</sup> Failure to do so will result in the construction permit being automatically forfeited without any further affirmative cancellation by the Commission.<sup>3</sup> Instructions on filing an application for license to cover are included in the Appendix.

### **Late-Filed Construction Permit Extension Applications**

Permittees for new digital LPTV/translator stations with **July 13, 2021** expiration dates that find that they will need additional time to complete their new digital facilities may submit an application for extension of digital construction permit. Because the March 15, 2021 deadline for filing an extension of digital construction permit (CP extension filing deadline) has already passed,<sup>4</sup> applicants will need to

<sup>1</sup> Construction permits for new digital LPTV/translator stations granted before the December 17, 2015 release of the Commission *LPTV DTV Third R&O* were assigned an expiration date of **July 13, 2021** – the Commission's LPTV digital transition deadline. See 47 CFR § 74.788(a); see also *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14935, para. 16 (2015) (*LPTV DTV Third R&O*). Construction permits for new digital LPTV/translator stations granted after December 17, 2015, were assigned an expiration date of the later of either **July 13, 2021** or three years from the date of issuance of the original construction permit. See 47 CFR § 74.788(a).

<sup>2</sup> See 47 CFR §§ 73.1620(a)(1) and 74.788(a).

<sup>3</sup> See 47 CFR § 74.788(b). Cancellation of a construction permit and deletion of the facility call sign in the Commission's Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action.

<sup>4</sup> Pursuant to section 74.788(c)(3) of the rules, permittees for new digital LPTV/translator stations with July 13, 2021 expiration dates were afforded one last opportunity to seek an extension of their digital construction permits, of not more than 180 days. Applications for extension of digital construction permits were due March 15, 2021. See *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, Public Notice, DA 21-260 (rel. Mar. 4, 2021).

include a request for waiver of the CP extension filing deadline.<sup>5</sup> We encourage such stations to submit their extension applications and filing deadline waivers as soon as possible to ensure that they will be considered before the **July 13, 2021** expiration of their digital construction permit.<sup>6</sup> Instructions for filing an extension application are included in the Appendix.

#### **Surrender/Cancellation of Construction Permits**

Permittees that do not plan to complete construction of their digital facilities are encouraged to submit their construction permits for cancellation as soon as possible. Instructions for requesting cancellation of a construction permit are included in the Appendix. All other construction permits for which the station is not constructed and operational by July 13, 2021, and a license to cover filed within 10 days will have its construction permit automatically forfeited without any further affirmative cancellation by the Commission.<sup>7</sup>

#### **Additional Information or Questions**

For additional information or questions, please contact Mark Colombo (technical questions), Mark.Colombo@fcc.gov, (202) 418-7611, or Shaun Maher (legal questions), Shaun.Maher@fcc.gov, (202) 418-2324, of the Video Division, Media Bureau.

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<sup>5</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown). Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *Network IP v. FCC*, 548 F.3d 116, 125-28 (D.C. Cir. 2008).

<sup>6</sup> We also note that additional time to construct beyond the initial 180-day extension may be sought only pursuant to the Commission's "tolling" rule. The tolling rule provides that a construction permit deadline may be tolled only for specific circumstances not under the licensee's control, such as acts of God or delays due to administrative or judicial review. See 47 CFR § 73.3598(b). We note that the section 73.3598(b) tolling standard does not provide relief for financial hardship, except that paragraph (b)(2) would toll the construction deadline for a station that could not build because of a pending bankruptcy court action. See *Implementation of the DTV Delay Act*, MB Docket No. 09-17, Third Report and Order and Order on Reconsideration, 24 FCC Rcd 3399, 3429, n.156 (2009). Stations may also seek a waiver of the tolling rule to receive additional time to construct in the case where "rare or exceptional circumstances" prevent construction, following the instructions for requesting tolling in the Appendix. See *1998 Regulatory Review - Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17536, para. 42 (1999). Permittees must electronically file tolling and tolling waiver requests via LMS, in accordance with the instructions in the Appendix.

<sup>7</sup> See 47 CFR § 74.788(b) and *supra* note 3.

## APPENDIX

## INSTRUCTIONS FOR ACCESSING AND FILING ON LMS

**General Log-in Instructions**

Access the LMS applicant data entry home page here:

<https://enterpriseefiling.fcc.gov/dataentry/login.html>

Login using the FRN associated with the station.

For more information and help using the LMS system, contact: (877) 480-3201 TTY: (717) 333-2824.

**FCC Form 2100 – Schedule D – Application for License**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “license to cover” from drop down menu.
5. Complete the application and click “Submit.”

**FCC Form 2100 – Schedule 337 – Application for Extension of Time**

1. Click on “Authorization” tab on the left top of the page.
2. Click on construction permit authorization.
3. Click on “File an Application” button.
4. Select “Extension of Construction Permit” from the drop-down menu.
5. Complete the application and click “Submit”

**FCC Form 2100 – Schedule Tolling – Application for Tolling or Waiver of Tolling Rule**

1. Click on “Authorizations” tab on the left top of the page.
2. Click on construction permit authorization.
3. Select “File an Application” button.
4. Select “Tolling” from the drop-down menu.
5. Complete the application and click “Submit.”

**Request to Cancel Construction Permit**

1. Click on “Facility” tab on the left top of the page.
2. Click on facility ID of the station.
3. Click on “File an Application” button.
4. Select “Cancellation” from the drop-down menu.
5. Complete the application and click “Submit.”